

ORIGINALUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EX PARTE

§
§
§
§
§NO
(DEATH PENALTY WRIT)JOSEPH C. GARCIA,
PETITIONERCLERK, U.S. DISTRICT COURT
By BS
Deputy**3-06 CV 2185-M****MOTION FOR APPOINTMENT
OF COUNSEL-HABEAS PROCEEDING
DEATH PENALTY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Richard E. Langlois, State Appointed Counsel, pursuant to Art. 11.071 §2, TEX.C.CRIM.APP and moves this court to appoint counsel for Joseph C. Garcia, pursuant to 21 U.S.C. §848(q) and in support thereof would show unto the Court the following:

1. Counsel was appointed to represent applicant, Joseph C. Garcia, TDCJ 999441, by the 283rd Judicial District Court, Dallas County, Vickers Cunningham, Judge Presiding, pursuant to Art. 11.071 §2, TEX.C.CRIM.APP
2. A post conviction writ of habeas corpus was filed in Cause No.W01-00325-T(A) and Findings of Facts and Conclusions of Law were submitted to the Texas Court of Criminal Appeals which denied relief on November 15, 2006

ORIGINAL

in an unpublished opinion in Cause No. WR-64,582-01.

Exhibit "A"

3. Pursuant to Art. 11.071 §2, TEX.C.CRIM.APP. counsel moves on behalf of Joseph C. Garcia for appointment of counsel or other counsel within 15 days after the date the Court of Criminal Appeals denied relief.
4. Based upon counsel's representation of Petition in the State Habeas Proceedings it is counsel's belief that applicant Joseph C. Garcia desires appointed legal representation before this court upon a Federal Writ of Habeas Corpus.
5. Joseph C. Garcia was indigent for purposes of legal representation in the State Habeas Proceedings and counsel does not possess any information that his indigent status has changed.
6. Counsel does not request that he be appointed pursuant to 21 U.S.C. §848(q) and request this court to appoint other counsel.
7. Counsel has submitted an Affidavit to applicant Joseph C. Garcia to request appointment of counsel for representation in a Federal Post Conviction Writ of Habeas Corpus and has directed Joseph C. Garcia to submit

such Affidavit to this court.

8. Joseph C. Garcia is an inmate on Texas Death Row, TDCJ# 999441, 3872 FM 350 South, Livingston, Texas 77351.

WHEREFORE, PREMISES CONSIDERED, counsel prays that this Court grant other appointed counsel for representation for applicant Joseph C. Garcia.

Respectfully Submitted:

Law Offices of
RICHARD E. LANGLOIS
217 Arden Grove
San Antonio, Texas 78215
Tel: 210-225-0341
Fax: 210-225-0345



Richard E. Langlois
SBN: 11922500
Attorney For Defendant

CERTIFICATE OF SERVICE

On this 21st day of November, 2006, I hereby certify that a copy of Motion to Appoint Counsel was sent by United States Postal to:

1. Johanna H. Kubalak,
Assistant District Attorney Dallas County
133 N. Industrial Blvd., LB-19
Dallas, Texas 75207-4399
2. Honorable Greg Abbott
Attorney General
Capital Writ Section
P.O. Box 125458
Austin, Texas 77351
3. Joseph C. Garcia
TDCJ# 999441
3872 FM 350 South
Livingston, Texas 77351
4. Abel Acosta
Chief Deputy Clerk
Texas Court of Criminal Appeals
P.O. Box 12308, Capitol Station
Austin, Texas 78711


Richard E. Langlois

SBN: 11922500



SHARON KELLER
PRESIDING JUDGE

LAWRENCE E. MEYERS
TOM PRICE
PAUL WOMACK
CHERYL JOHNSON
MIKE KEASLER
BARBARA P. HERVEY
CHARLES R. HOLCOMB
CATHY COCHRAN
JUDGES

COURT OF CRIMINAL APPEALS
P.O. BOX 12308, CAPITOL STATION
AUSTIN, TEXAS 78711

LOUISE PEARSON
CLERK
512-463-1551

EDWARD J. MARTY
GENERAL COUNSEL
512-463-1597

11/15/2006

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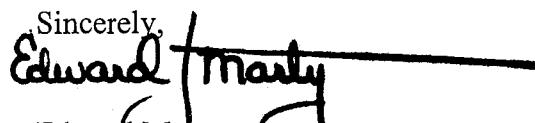
Presiding Judge
283rd Judicial Dist Court
133 N Industrial, LB 33
Dallas TX 75207

No.: WR-64,582-01
Trial Court No.: W01-00325-T(A)
Styled: Garcia, Joseph C. v. The State of Texas

Dear Judge:

Enclosed herein is an order entered by this Court regarding the above-referenced applicant.

If you should have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Edward J. Marty
General Counsel

EJM/bh

cc: Dallas County
District Clerk
600 Commerce
Dallas, TX 75202-4606

District Attorney Dallas County
Attn: Lori Ordiway
Appellate Section
133 N. Industrial, LB 19
Dallas, TX 75207

EXHIBIT "A"

Presiding Judge
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**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

WR-64,582-01

EX PARTE JOSEPH C. GARCIA

**ON APPLICATION FOR WRIT OF HABEAS CORPUS
IN CAUSE NO. W01-00325-T(A)
IN THE 283TH JUDICIAL DISTRICT COURT
DALLAS COUNTY**

Per Curiam. Hervey, J., not participating.

ORDER

This is a post conviction application for writ of habeas corpus filed pursuant to the provisions of Article 11.071, TEX. CODE CRIM. PROC.

In February 2003, applicant was convicted of the offense of capital murder. The jury answered the special issues submitted pursuant to Article 37.071, TEX. CODE CRIM. PROC., and the trial court, accordingly, set punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Garcia v. State*, No. AP-74,692 slip op. (Tex. Crim. App. Feb. 16, 2005)(not designated for publication).

Garcia, WR-64,582-01 - 2

Applicant presents forty-six allegations in his application in which he challenges the validity of his conviction and resulting sentence. The trial judge entered findings of fact and conclusions of law and recommended relief be denied.

This Court has reviewed the record with respect to the allegations made by applicant. We adopt the trial judge's findings and conclusions. Based upon the trial court's findings and conclusions and our own review, the relief sought is denied.

IT IS SO ORDERED THIS THE 15th DAY OF NOVEMBER, 2006.

Do Not Publish

A True Copy
Attest:
Louise Pearson, Clerk
Court of Criminal Appeals of Texas

By: _____
Deputy

